

VICKI H. YOUNG  
Law Offices of Vicki H. Young  
706 Cowper Street, Suite 205  
Palo Alto, California 94301

FILED  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE, CALIFORNIA  
JAN 11 2012

Telephone (415) 421-4347  
Fax (650) 289-0636

Counsel for James Nelsen

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
JAMES NELSEN,  
  
Defendant.

No. CR 09-01168 RMW

STIPULATION RE CONTINUANCE  
OF STATUS DATE; ☐  
ORDER

It is hereby stipulated between the defendant James Nelsen, by and through his attorney of record VICKI H. YOUNG, and the government, through Assistant United States Attorney Jeffrey B. Schenk, that the status date of March 19, 2012, at 9:00 a.m. be continued to March 26, 2012, at 9:00 a.m. The reason for this continuance is that the psychiatrist retained to evaluate Mr. Nelsen has not completed his report. The psychiatrist will be out of the office from March 15, 2012, returning on March 20, 2012. He will be able to complete his report upon his return. Once the psychiatrist provides his opinion to defense counsel, defense counsel will need a few days to decide how to proceed. A continuance to March 26, 2012, will allow the expert sufficient time to complete the evaluation and consult with defense counsel.

Under Title 18 U.S. C. §3161(h)(7)(B)(iv), the continuance is necessary to allow the attorneys

STIPULATION RE CONTINUANCE;  
☐ ORDER

1 for the government and the defense the reasonable time necessary for effective preparation taking  
2 into the account the exercise of due diligence. Since defense counsel is awaiting the mental status  
3 evaluation, the time period from March 19, 2012, through March 26, 2012, should be excluded.

4 It is so stipulated.

5 Dated: March 14, 2012

Respectfully submitted,

6  
7  
8 /s/ Vicki H. Young  
VICKI H. YOUNG, ESQ.  
9 Attorney for James Nelsen

10 Dated: March 14, 2012

MELINDA HAAG  
11 UNITED STATES ATTORNEY

12  
13 /s/ Jeffrey B. Schenk  
JEFFREY B. SCHENK  
14 Assistant United States Attorney

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
STIPULATION RE CONTINUANCE;  
[ ] ORDER

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

## ORDER

GOOD CAUSE BEING SHOWN, the status date appearance set for March 19, 2012, is continued to March 26, 2012. This Court finds that the period from March 19, 2012, through and including March 26, 2012, is excludable time under the Speedy Trial Act, 18 U.S.C. §3161(h). The basis for such exclusion is that additional time is needed for defense counsel to receive the psychiatrist's completed report. Therefore the ends of justice served by such a continuance outweigh the best interest of the public and the defendants in a Speedy Trial within the meaning of Title 18 U.S.C §3161(h)(7)(A).

As required by 18 U.S.C §3161 (h)(7)(A), this Court finds that the reason that the ends of justice outweigh the best interest of the public and the defendant in a speedy trial are the denial of the continuance would unreasonably deny both the attorney for the government and the attorney for the defendant reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. §3161(h)(7)(B)(iv).

DATED: ~~HD~~ ~~FG~~

  
\_\_\_\_\_  
RONALD M. WHYTE  
SENIOR UNITED STATES DISTRICT JUDGE